

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DELSHON DIXON,

Plaintiff,

v.

CDCR, et al.,

Defendants.

Case No. 1:24-cv-00954-KES-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
CERTAIN PARTIES

(Doc. 12)

Plaintiff Delshon Dixon is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. Doc. 1. On August 21, 2024, the assigned magistrate judge issued a screening order finding plaintiff's complaint plausibly alleges Eighth Amendment claims for deliberate indifference to serious medical needs against defendants Thompson and Dewitt but fails to allege cognizable claims against defendants CDCR and Warden Pfeiffer. Doc. 7 at 10. Plaintiff was ordered, within 30 days of the date of service of the screening order, to either: (1) file a first amended complaint curing the deficiencies identified in the screening order; or (2) notify the court in writing that he does not wish to file an amended complaint and wishes to proceed only against defendants Thomas and Dewitt on his Eighth Amendment claims. *Id.* Thereafter, plaintiff filed two responses to the screening order indicating

1 that he wished to proceed only on his Eighth Amendment claims against defendants Thomas and
2 Dewitt. Docs. 9, 10.

3 On September 6, 2024, the assigned magistrate judge issued findings and
4 recommendations to dismiss certain parties. Doc. 12. The findings and recommendations
5 advised plaintiff that he must file any objections within 14 days after service of the order and that
6 the failure to file objections within the specified time may result in waiver of rights on appeal. *Id.*
7 at 2 (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d
8 1391, 1394 (9th Cir. 1991)). Plaintiff did not file objections and the deadline to do so has
9 passed.¹

10 In accordance with 28 U.S.C. § 636(b)(1), the court has conducted a de novo review of
11 this case. Having carefully reviewed the file, the court finds the findings and recommendations to
12 be supported by the record and by proper analysis. Accordingly, it is HEREBY ORDERED that:

- 13 1. The findings and recommendations issued on September 6, 2024, Doc. 12, are
14 ADOPTED in full;
- 15 2. This action shall PROCEED only on plaintiff's Eighth Amendment claims for deliberate
16 indifference to serious medical needs against defendants Thompson and Dewitt;
- 17 3. Defendants CDCR and Warden C. Pfeiffer are DISMISSED from this action; and
- 18 4. This action is referred back to the assigned magistrate judge for further proceedings
19 consistent with this order.

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22 IT IS SO ORDERED.

23 Dated: October 17, 2024



24 UNITED STATES DISTRICT JUDGE

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27 ¹ On October 3, 2024, plaintiff filed a document with the court docketed as objections to findings
28 and recommendations. Doc. 13. In that document, plaintiff seeks clarification as to the status of
the defendants. At the time the findings and recommendations were issued, this action was at the
screening stage and defendants have not yet been served.